1891-92
(L.R.)

File No. 1090/91
Serial No. 1-35

Sub: Appeal of pattadars and others Hun. regarding the issue of Government water for irrigation.

D.F. 45 of 96.

G. R. S. IX-5]

Previous references. 1891-1892.

192 .

(L. R.)

File No. 109 of 91

Serial Nos. 1-35

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-35

Major ~~Part~~ B for September 1902.

SUBJECT.

Appeals of Pulla Selley and others of the regarding the use of Government water for irrigation.

Counter mark

RJ

WD 2233—GPB—20,000—14-6-20

CHIEF SECRETARY'S OFFICE.

PETITION BRANCH.

OFFICE NOTE.

SUBJECT. Application from Sumanta Sastry for [illegible] and [illegible] under Honourable [illegible] Raja of the Hangode Zamin

LAST REFERENCE. Letter No. [illegible] dated 31 July 1914

from ~~the~~ Dy Comr Sirmur

The Govt has prohibited any extension of land cultivation under the Hangode Zamin of Sirmur vide Gov. No 3236-7/145 dated 4/7 July 1891.

Petitioner complains that his land measuring 7 acres and 38 guntas receives no contribution from Government under Honourable Raja of the Hangode Zamin to [illegible] for any [illegible]

and prays that the maple allowed to be cut [illegible]

The D.-G. P. W.

Officer of Federal Works, inspected this land this morning & reported as follows:

It is true that owing to prolonged drain adjoining Lands, they Cause the Petitioners land to be flooded. As the drainage Commissioners have written to the Petitioner & to the Press also, he formed to do the same. But the Commission ~~[illegible]~~ guaranteed a sufficient supply of water for his Cattle during, in addition to his passing land, he objected to his passing but expressed satisfaction with the present supply of water.

The Engineer of the Village has reported that the land is not fit for any cultivation.

Petr made a statement on 27-6-94 that if he made his water, water passing through his land is insufficient for his cattle & that he has prepared a plan that Commissioner that may be fixed by the Survey Dept on the land and that he would not complain of insufficiency of water.

The D. Commr Solicits instructions as to what Petr's prayer should be adopted. (No prayer has been made from the petitioner regarding the present supply.)

C.S.J. 27/8-94

Petns No. 912 of 28.8.95 and 935 of 3.8.95 from Patna Sheikh of Hansar.

Petns No. 913 of 28.8.95 and 986 of 3.8.95 from Jellapipa Sheikh of Hansar

Petn No. 937 of 3.8.95 from Ayder Khan Sah of Hansar

Petns No. 956 of 20.8.95 from ~~same~~ all the above-mentioned three petitioners.

Subject

Appeal against the order of the Dy. Comr, Hazara District rejecting as being out of time the petrs' appeals against the Tamabandi officer's order giving them for inundation-gang taking the water of Hindan-bali Kala for the cultivation of their lands.

The Hanaped series of channels formed a subject of discussion (No. 257) in the Representative Assembly of 1890. The Darbar's reply is — "Extension of new cultivation under the Hanaped series of channels in general and the Hegaiee in particular has been prohibited until the channels are improved." This extract was forwarded to the Dy. Comr on 4/7/91 for information and guidance. (These papers will be found in Distrct Diary file Petn No. 1 [illegible] for reference).

Petty Putta Shetty is the owner of a plot of S. No. 20 of Shirur Kawar. The area of this land is 3 acres and 28 guntas and the assessment 2 Rs. Here of this has been charged with a Nisardi of 4 As. ~~During the~~ In the year Nandana (1892-93) he raised wet crops on the whole of this land in he unauthorized, and fundamentally Nala (~~which forms part of the~~ of the Hanaji series) water for cultivating 2 acres and 28 guntas. He was therefore fined on Rupee 1 by the Jamabandi officer on 12/5/93 and warned not to ~~cultivate~~ bring any crops area under wet cultivation.

See Talwar Takkta

Petty Yallappa Shetty is the owner of a plot of S. No. 24 of the same Village. The area of this land is 3-24 (A-G) and the assessment 2-4-0 (R a w). Here of this is charged with a Nisardi of Rs 3-8-0. He unauthorizedly and fundamentally Nala water for cultivating 2-23 (A-G) of this land in the year Nandana (1892-93). The same consequences as in Putta Shetty's case followed.

Petty Ayda Ishan Shetty is the owner of (x) S. Nos. 14 and 15 of the same Village. The areas thereof are 4-12 (A-G) & 5-23 (A-G) and the assessments 3-3-0 (R a h) and 3-8-0 (R a h) respectively. A portion of this is charged with Nisardi. In the year Nandana he unauthorizedly used the Nala water for cultivating

(x) Talwar Takkta & Ex Comm's letter No. 9345/3/2/96

7 guntas of the first and 81 guntas of the 2nd. The same consequences in Putta Shetty's case followed.

In the year Vijaya (1893-94) Putta Shetty, unauthorizedly used water for 2A - 2F. Jallappa Shetty, unauthorizedly used water for, guntas more than in the previous year i.e. for 2A - 2F 4. Hyderkhan unauthorizedly used water for 4 guntas more in S.No. 14 & for 2A - 0F more in S.No. 15 than in the previous year i.e. for 11 guntas in S.No. 14 and 22 others i.e. 25 in all used water and for 2A - 3F in S.No. 15. The Tahsildar expressed his opinion thus — The Nisardi charge in some cases was sanctioned before first crops flowering wet cultivation was practised. Either the Nisardi should be abolished and the whole land closed as dry or the whole land should be classified as wet. Unless one of these is done the unauthorized extension of wet cultivation cannot be stopped. They will plead as an excuse that the ~~moisture~~ moisture in cases where Nisardi is charged ~~has contained~~ ~~has~~ induces them to apply for dry cultivation. A small fine will not be ~~adequate~~ enough inasmuch as the ~~very of~~ profits from wet crops are high. The Samavandi officer in his report ~~stated~~ as follows: — Each of the 25 persons is to pay 7 times the maximum wet assessment as fine. Attention is also

order prohibiting cattle cultivation, all the lands cannot be classed as such. The ~~absolute~~ removal of the Nizamat will cause loss to people. Punishment in the case of offenders will be sufficiently effective.

The fine therefore which Putta Shetty is to pay is Rs 98-13-4, Gallappa Shetty 93-8, Hyder Khan 9-14-6 + 10 5-00 i.e. 114-14-6.

On 21/4/94 some of the persons that were thus fined presented a petn to the Tahsildar's office, representing that Nizamat should be levied on the whole of the lands and that these heavy prices should be remitted. Petn Hyder Khan and Putta Shetty have also signed this petn. This petn was forwarded to the Amildar for report as to the desirability of allowing cattle to feed land. The Amildar submitted his A. report No. 14/13 of 30/4/94 — Dry cultivation in future is impossible. Nizamat may now be ~~too~~ revived. On 5/5/94 the Tahsildar office sanctioned the levy of Nizamat. This order of the Tahsildar office has been countermanded by the Dy Commr's order No. 2035, 4/16.5.95 When a demand was made for the amount of the fine petrs and others represented that they could not

< No. 1663

(P) No. 142/15

A. ~~24/9/94~~ No. 35

paid till this petn of 21/4/94 was disposed of. The Amildar then represented the matter to the Jamabandi officer on 27/7/94. After some correspondence the Jamabandi officer on 24/9/94 ordered as follows: I passed the order considering the circumstances ~~then~~ represented by the then Amildar Ramachandra Rao in his report. The Jamabandi accounts of that year have also been completed. Therefore that order cannot now be modified.

~~On 26/11/~~ This was communicated to the persons by the Amildar's order No. 140 of 4/10/94.

On 26/11/94 three persons Subraya Shetty, Budan Beg and Ibrahim Mohiadeen appealed to the Dy Commr. They were directed to present separate petns in each man's case. On 9/8/95 these three and two others appealed to the Dy Commr. Mr Ranganathan Iyengar considering that the fines imposed were excessive ordered that the ryots should pay the dry assessment on the land & 4 Rs per acre water rate and 2 Rs per acre fine for unauthorised taking the water.

x No. 963 of 4/10. 5.95

On 7/5/95 ~~these~~ the three ryots appealed to this office

(separately) to the Dy Commr. These petns were rejected by Mr Rangaswami Iyengar as being out of time.

On 18/6/95 four other persons applied to the Dy Commr. Mr Venkatarama Iyengar ordered that these fines for ~~four~~ Nizandi at 4 Rs per acre for the number of acres for which water was unauthorised taken and 2 Rs as fine. The same order was passed in the case of one Ahmed Saheb, who is not one of the 28 persons fined on 11/4/94 but one of the ten similarly fined on 8/4/94). He presented his petn on 18/6/95 & the order was passed on 20/6/95. (X)

The Dy Commr seems to be wrong in saying that the ~~last order of the~~ date of the last order of the ~~Dy Commr~~ Jamabandi officer on this subject is 27/2/95. The circumstances under which the Jamabandi officer's order No. 92 of 27/2/95 was passed are as follows: — The Amildar had fixed a Tentative Tekhta for the year Fasli (1304-95) also. The Jamabandi officer said that, as he had authorised the new cultivation on Amildar Ramachandra Rao's recommendation, no offence was committed. The Amildar was also asked to obtain some information from the Public Works Dept about the Project,

(X) Nos. 313/1391, 311/1389, 312/1390, 314/1392 all of 18/6/95
& No. 8/81 of 7/2/95

(X) No. 308

(X) Vide letter No. 956 of 95-96 of 6/2/96

The last order of the Jamabandi officer in this connection is No. 35 of 24/9/94

Survey Supt's no 6908 6.4.97

Rd 9 Ap.
17/4/97.

Yes - The Supt is
quite right
in objecting to the
words
"stating if he
requires it for one
year only after
- mainently"
The insertion of
these words is apt
to lead to uncertainty
& confusion -
The words may
be struck off
& an amended
rule published -
To save such
consequences in future
all draft revenue
rules, ~~[illegible]~~ may
be submitted to
the Survey Supt for
his opinion before
they are finally
sanctioned & passed.
Intimate this to
the Survey Supt

Note

For attention

28/4/97

29/4/97 (1) Draft amended rule
(2) Take proceedings upon
the Supt's letter
29/4/97

Attended to
[illegible]

Pet. 2 to 1364

have been passed modifying the absolute prohibition and directing the cases under the altered circumstances as the Govt order of 1891 was contemplated to be in force only till the channels were fully repaired

Petr states that he is not fit for any cultivation

Sub D 2nd Counsellor

Mr 8/12/97

Rd 7 Pm
9.12.97

Call for report from the second — Irrigation attention to the fact that Petr's land would not be to be cultivated with any crops — also report whether there is any real difficulty to give water to Petr's land apart from the Govt order referred to. Adjourned until there will be time

14/12/97

Mr 9 Dec

(2)

(Here enter Dewan's reply in subject No 257 brought up at the meeting of the Dasara Representative assembly held in Oct. last)

No. 3996-7 / 40 Dt. 2/7/30

Order-a R. 109-91-1

The foregoing extract is forwarded to the Deputy Commissioner of the Mysore District for information and guidance.

Chief Secy

To.
The Dy. Commr. Mysore Dist.
Copy to Chief Secy.
for information

Mtd.

9/
D.6

R.

1891-92

To,

The Dy. Mysore Dy.
Chief Engineer.

No. 3906-7
145.
4 July 1891

Rd. for infn. & guidance
Diwan's reply in subject No
257 of the Dewan's Repdt.
of 1890.

Subject No. 257.

Removal of restriction under Megalve Channel and Karigala Tank and grant of good supply of water through these sources.

Summary of discussion.—Lakshmantirtha is in itself a rivulet. The raiyats holding lands irrigated by its main channels, Udur Nala and Hanumantapur Nala, have been continually complaining of short supply of water and consequent loss of crops. The drainage water of the above channels trickles down through tracts of jungles to Hebhalla from which Megalve and Karigala Tank receive their supply of water. These are not fed by any river channel but all the lands under Megalve and Karigala Tank are assessed wet at the same rate as under the main channels. There was a strict order issued after a careful examination by Colonel Johnson and other Engineers that wet cultivation below Hanumantapur Nala should not be extended indiscriminatley. This order remained in force till the Survey and Settlement. Since then, even Anâdi Banjar lands, not to speak of other dry lands, have been converted into wet. This has resulted in short crops to many raiyats and difficulty to Government. It is prayed that good supply of water should be given through Megalve and Karigala Tank and that strict orders should be issued prohibiting any increase in the wet cultivation.

Dewan's reply.—Extension of wet cultivation under the Hanagod series of channels in general and the Megalve in particular has been prohibited until the channels are improved.

D.6

Has the Dewan considered the Commissioner's report in to the result

Supplies
AK 12/2

The Dy. Com. says that as the lands in question are not to be irrigated by the Channel water, no reference to the Channel depth appears necessary, but that they will be considered if so directed by Govt.

Submitted for orders.
[illegible] 27.2.92

Note. Government desired ~~ascertain~~ the necessity of carrying out the Commissioner's report in to the Channel depth & in his opinion there is no necessity for the cutting out of the bed of the old channel for irrigation. There is no objection to the grant being made by Govt. subject to the condition that no compensation will be payable for the land due to the cutting of the channel by Govt.

[illegible] 24/bt 8-2-92 8-2-92

(General Serial No. 30.)

189 922

From

To The Chief Secretary to the Dewan of Mysore

Dated
Despatched 4 } February
Received

Enclosures No. 1 Bile

General No. 980.
No.

Recommending the giving out of the old channel bed attached to Ramayyanahally to the Residents of Dodda Hunsur who have built a temple there and arrange for the performance of the Puja in the temple.

Reg. & return
[illegible] 5/2

Submitted.
The Commissioner's report of the lands referred to in the conditions mentioned may be sanctioned
[illegible] 9/2/92

OFFICE OF THE DEWAN 10854

No 980
N.C. file

Chief Commissioner's Office
Dated Ootacamund 4th February 1892

From

A Ranganathan Iyengar Esquire BA & BL
Deputy Commissioner

To

The Chief Secretary to the Government of Madras

Sir,

I have the honour to state that the residents of Sudda Hanur have built a Lakshmi Narsimha-Swami temple at that place and have arranged for the performance of the Puja in the temple. But no provision is made for daily Padiravu and Deparadhanam, they requested me that the old channel lead attached to Ramanahalli, which is unoccupied by Kharat as Sri of Sudda Hanur might be granted for Kainkarya in the name of the temple.

2. The said channel lead is not numbered by the Survey Department and contains no valuable trees.

It is about 12 A - 22 G and not required for any purposes as the channel has been diverted. The Amildar says that in its present state it is not fit for cultivation and that it will cost 3 or 4 hundred Rupees for making it fit for cultivation. The devotees of the temple are willing to bear the expenditure and pay assessment to Government. The Kharat land of Doddi Hanse measures 7 A - 23 G. It has been left as waste by the Survey Department as pathway. The Amildar however says that 3 A - 23 G is sufficient for a pathway and that the remaining portion, viz 4 acres, may be granted for cultivation. Both these lands may be cultivated with wet crops by using the surplus water running off the lands below Gowindanahalli Channel, and do not require irrigation from Ramagode main Channel.

No 87

Area 4
12 . 22
1 . 0
16 . 22 @
4 Rs as
= Rs 75/8/0

3. The Amildar recommends the grant of these lands to the applicants

for the sale of the above temple at the rate of rent a reference prevailing in the neighbourhood which is 2½ - 9 per acre -

4. There is no temple at Hennur and the one to be built suffices a real want. The people interested in the temple are willing to give up the lands or to pay any contribution which Government may impose in case these lands should hereafter be capable of being irrigated by the Hemagode Series. They also agree that they will not complain of in-sufficient water or grow trees -

Under these circumstances, I think the order of Government prohibiting the giving out of the lands for such cultivation under the Hemagode Series (No $\frac{5906-7}{145}$ dated 7 July 1891) may be waived in this case, and would strongly recommend that the prayer of the inhabitants of Hennur may be complied with.

5. The Commissioner herein on the subject is herewith submitted. I have the honour to be

Sir

Your most obt Servant

Combd. [illegible]

[illegible] Collector

1
D. 6

(General Serial No. 30).

1892.

From

To The Deputy Comr. Mysore Dist.

L. R. 109-91-3

Dated 15 February.

Despatched 15

Received

Enclosures No.

General No. 12834

No. 416

His No. 780 dated 2-2-92 recommending the grant of wet assessment to the Lakshmi Narasimha Swami Temple at Dodda Hulsur, of the old channel bed at Ramanhalli which is unoccupied hunger Khanab No. 84.

The Deputy Commissioner is requested to report whether

he has consulted the Channel Dept about the grant of the land; if so, with what result.

By Order

Chief Secy.

(General Serial No. 30.)

189

From The Commissioner Nagpore District

L.R. 109-91-4

To The Chief Secretary to the Dewan of Mysore.

Dated 19

Despatched 20 February 92

Received

Enclosures No. nil

General No. 1049

No.

Forwards docket 1287 of 91 instant, requesting to be informed whether the Channel Department was consulted as regards giving out gland at Ramainhalli to the Lakshminarasimaswamy temple at Doda Hunsur.

In reply has the honor to state that, as the lands are not to be irrigated by the Channel water, no reference appears necessary, and that the Channel Department will be written to if the Government should consider

103

Consider it necessary.

Adjourned
Dr Cunningham
10
Income Tax

MM

1/c 4b

(General Serial No. 30.)

R (C)

1892-93

From Proceedings

L.R. 109-91-15 To The Dy Commr, Anjaro.
" D.P.W. Secretary

Dated 28th April 1892.

Despatched 2nd May 1892.

Received

Enclosures No.

General No. 1638-9
No 48

Ordering Dy Commr to place himself in Commn with the Chief Engr on the subject of granting for cultivation the old channel tied at Ramanhally to Lakshmi Narsinkaswamy Temple at Ved Vemula, &c.

Read,

Correspondence ending with the Govt No. 1049 dated 19th Feby 1892 from the Deputy Commissioner, Nyam, in re the grant of the old channel bed at Ramanathapuram to the Lakshmi Narasimhaswamy Temple at Doddaganda stating that as the lands are not to be irrigated by the channel water no reference has made to the Channel Dept, and that it would be desirable if Govt should consider it necessary

L.R. 109-91-6

Order thereon

The Deputy Comr will be requested to

L. 1635-9/48 of 28-4-92
2-5

place himself in communication with the Channel Department, and consider objections, if any, which that Dept may have for giving out the bed of the old channel for cultiva-tion. If there is no objection it may be given out by Dy Commr as proposed temporarily and on the condition that no compensation will be payable if the land be hereafter required and resumed by Government.

Draft

Chief Secretary

To

The Deputy Commr

Bagpore with rules.

Govt No 9809 3/7/92

Copy

W. McDonnell

(General Serial No. 30.)

1894.

From

The Dy Commissioner Mysore Dt

Pet 72

To ~~Sec~~ 107-91-7

The Chief Secretary to the Dewan of Mysore.

Dated 30/7/94

Despatched

Received

Enclosures ~~No.~~ 1 report

General No. 107
No.

Submits application (with Hussur Amil's report on the subject) from one Sreekantasastri for converting into wet & dry land under Givindanahalli tank of the Hunasigdi series, and requests, under the circumstances represented, to be instructed whether permission in the present and similar cases may be granted.

Read 2/8.

Petitn Gen. Pro. 3906-7 dated 4 July 1891

Petitioners referred to the Dy Commr in whose orders have been issued

Mr. V. Rao

WCL 4/8

To The General Records
Please put up the above Proceedings.

Read 6/8/94

References put up

Reg 7/8/94

RM3. 9/6/94

Order

There is no objection to Petitioners raising wet crops ~~if water~~ when water is available, but the lands should not be classed as wet. A water rate may be levied in the years in which wet crops are raised.—

CL 29/8/94

Draft CL/30/8

No. 107
Enclosures No. report

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,

Dated Mysore, 30 July 1894.

From A. Rangaswami Iyengar Esqr.
Deputy Commissioner,
Mysore District.

To

The Chief Secretary to the Dewan of Mysore.

SIR,

I have the honor to submit herewith for orders of Government Amsur Amildar's report no: 1725 dated 27 June 94 forwarding an application from one Sreenatha Sastri of Amsur for converting into wet a dry land of his, under the Gorindanahalli nala of the Hanagode Series.

Under orders contained in Government Proceedings no: 3906-7/145 dated 4 July 1893 extension of wet cultivation under the Hanagode Series of channels in general, and on Megalu in particular, is prohibited until the channels are improved. In the present

instance it is reported that as the land is on a low level and is surrounded on all sides by wet cultivation, it was impossible to raise dry crops on it. This fact has been certified to by the R. P. W. Range officer at Yedatore, who, recommends that permission might be granted for wet cultivation provided that the applicant does not complain of short supply at times.

I beg that I may be favoured with the instructions of Government as to whether wet cultivation may be permitted in the present and similar cases.

I have the honor to be
Sir
Your most obedient Servant

Deputy Commissioner
Mysore District

Camp
A.S. MWM

W 208

[illegible]

[illegible]

[illegible]

7-38

[illegible]

Proceedings of the Government of
His Highness the Sarkar of Cutch

Read

L.R. 109-91-8

Letter No. 87 dated 30th July 1891
from the Deputy Commissioner
Cutch Bhuj, stating that
Petitioner Shri Ratna Lalji
on a dry land under
the Government of the
Amrapada Series and that he
applies that it may be converted
into wet as it is not fit for dry
cultivation, and soliciting
instructions as to whether permission
may be granted, having regard
to Government Res. No. 3206-7/145
dated 4/7 Aug. 1891 prohibiting any
extension of wet cultivation under
the Amrapada Series.

Order Revision No. 4649/P.406
8/8/94.

There is no objection to Petitioner
raising wet crops when water

In this particular case further the Cross represented

is available, but the land should not be cleared unless of water rate may be levied in the years in which such crops are raised.

10/2/94

Secy. Secretary

Resp.

11/9/94

To: Federal Commissioner
Bujumbura District

8/4

8/4

8/7

DNK
31/8.

Through the Deputy Commissioner, Bangalore Dist.

No. (8)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

L.R. 169-91-9

189

Endorsement granted to Srikantaiah, son of Shamanna Sastri, residing at Chinna.

in reply to his Petition Registered No. 208 dated 19th April 94 addressed to the Commissioner, Chinna Swami, praying that he may be reinstated to Police service on his duty and inquire into Government's case in the same petition on the understanding that he will not run the present application and that he will not complain against Petitioner ~~is informed that~~ referred to the Deputy Commissioner to whom papers have been issued.

"By Order"

Chief Secretary.

M. G. C. P. Bangalore—6-3-94.—2000.

Through the Deputy Commissioner,
Mysore District.

From
208.

L.R. 109-91-10

[illegible]

[illegible]

[illegible] 19-4-94 [illegible] 208 [illegible]

[illegible]

[illegible]

"By order

Dept.

Chief Secretary

14

Pet 486

20-00025-095
30582
30-8-9

MYSORE DEWAN'S OFFICE,

(1) PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

L.R. 109-91-11

The accompanying Petitions No.s 913 & 936 dated 28 August 28/8/95 respectively received at the Dewan's Office from Yellappa Setti of Shimsha complaining of the fine imposed on him for using the water of Gowridan Kalli tank and praying for ~~an order~~ stay of the sale of his lands said to be fixed for the 31st instant

are forwarded, together with its ~~the~~ five enclosures, to the Deputy Commissioner Mysore Dist. for submission of ~~the~~ Ord. with a report.

2 ~~For~~ A copy of the telegram sent to the Amildar of Shimsha to stop the sale pending further orders is herewith sent. The Deputy Comr is requested to instruct the Amildar to hold the sale in abeyance pending the disposal of the appeal.

The petitions and their enclosures should be returned

By Order,

Draft

Bangalore, 29-8-1895

Actg Chief Secretary

29/8

29/8

M.G.C.P.B.—19-2-95—1,000

Pet 487

30-8-95

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

(11) OFFICIAL MEMORANDUM.

The accompanying Petitions No.s 912 & 935 dated 28/8/95 & 30/8/95 received at the Dewan's Office from Sitta Rama of Hunsur, complaining of the fine imposed on him for using the name of Govindanaik's Nala and praying for the duty of the sale of his lands due to be fixed for the 30th inst. and

is forwarded, together with its enclosures, to the Deputy Comr. Mysore District, for submission of the proceedings with a report.

2. It is alleged by petitioner, appeal from the same order presented, time and due grant to the appeal have been admitted, some explanation is needed as to why the petitioner's intermediate petition was rejected as being out of time

3. A copy of the telegram sent to the Amildar of Hunsur to stop the sale pending further orders has been forwarded with an notice of the date. The Dy Comr is requested to instruct the Amildar to hold the sale in abeyance pending the disposal of the appeal

BANGALORE,
29-8-1895

~~Chief Secretary~~

By order
29/8.
Asst Secy

to be obligingly returned

L.R. 109-91-12

M.G.C.P.B.—19-2-95—1,000

Pet 488 ✓ (12)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT. 18

OFFICIAL MEMORANDUM.

The accompanying Petition No. 937 dated 3-8-95 received at the Dewan's Office from Hyder Khan of Hunsur, complaining of the fine imposed on him for using the water of Gowdanakatte Nala and praying for stay of the sale of his lands said to be fixed for the 31st instant.

L. R. 109-91-13

is forwarded, together with its 2 enclosures, to the Deputy Commissioner Mysore District for submission of the proceedings with a report.

2. In a petition dated 20th August, the date fixed for the sale of petitioner's lands is stated to have been 25th August. If the sale has been held on that date, confirmation should be held abeyance; if the sale has not yet been held, instructions should be issued at once to the Amildar to stay the sale pending further orders.

The petition should be returned.

By Order,

29/8

Chief Secretary

BANGALORE, 29-8-1895

29/8

M.G.C.P.B.—19-2-95—1,000

Gen. 31.]

1896

No. 5984
Ex. 915

From

The Deputy Commissioner of the Mysore District.

L. R. 109-91-14

To

The Revenue Secretary to the Government of Mysore.

Dated
Despatched 3rd February 1896.
Received

General No. 934.
No.

Designation No. Petition No. 437 and Enquiry file returned for records 8/3/96.

Reports on the petition of Hyder Khan of Kunaar.

Petition Granted.

7/2/96

S/2

Sent with refce to the Rev Secy

8/2 12/2

Precis prepared. The Auditor's opinion that any enhancement is impossible has been marked with a blue pencil. Shimoga Sessions file is ~~also submitted~~ which contains the orders wanted is also submitted herewith for reference.

A.S. 13/6/96

The reports of proceedings relating to the grants of Pattas and Hyathaqiyat are also submitted herewith.

Submit with ref^ce to the Revenue Commissioner's orders on petitions Nos 9.2, 93 and 95.

Sd/- [illegible]
A.S. 16/6
16/6/96.

No. 934.
Ten Petition
Hanasoge file

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,

Dated ~~Mysore~~ Camp French Rocks ~~1896~~
3rd February 1896.

(9)

From

The Deputy Commissioner,
of the Mysore District.

To

The ~~Chief~~ Revenue Secretary to the ~~Dewan~~ Government of Mysore,

SIR,

In reply to your official memorandum No. Pet. 488 dated the 27th August 1895 forwarding the petition of Hyder Khan of Hansur complaining of the fine imposed on him for using the water of the Gowindanahalli channel in the Thick Hansur village of the Hansur taluk, I have the honour to report as follows.

2. The petitioner owns dry lands measuring 10 acres and 2 guntas, as per details* in the margin, in the village of Thick Hansur. In 1892-93 he converted a portion of it (his dry land) measuring 3½ guntas into wet taking water from the said Gowindanahalli nala without obtaining previous permission to do so. He was therefore fined one rupee by the Jamabandi Officer Mr. Ranjandaraj Urs and warned against taking water from the channel again without

Survey No. 14-4-21 4. G.
— do — 18-5-23
Total — 10-4.

previous sanction.

3. He however continued using water from the channel unauthorizedly and in the following year (i.e. 1893-94) brought an additional extent of 2 acres and 8 guntas of his dry land under wet cultivation, thus making in all 3 acres and 8 guntas. On the 1st April 1894, the Jamabandi Officer of the year 1893-94 viz. Mr Venkata Rao ordered on the Sd Karastakhta that a fine of 5 times the wet assessment of the land converted into wet i.e. Rupees 14-13-0 should be levied from the petitioner.

4. The petitioner refused to pay the fine and begged for a reconsideration of the order passed and to be excused from paying the fine representing that as dry cultivation of the land was impossible owing to soakage and moisture in it, he had to convert it into wet. Upon this, the same Officer instituted an enquiry into this and other cases of unauthorized wet cultivation similarly dealt with by him and ordered on 2nd July 1894 that permission might be granted for taking water for irrigating the extent of land which had then been newly cultivated with wet crops, and that a water rate should be levied thereon at the rate prevailing in the neighbourhood. Write

regard to the remission of the fine imposed, the Jemabandi Officer declined on 24th September 1894 to reconsider his order as the same had been passed on the facts reported to him at the Jemabandi time and as the year's accounts had been closed

5- The petitioner appealed against these orders to the former Deputy Commissioner on the 7th May 1895 who rejected the appeal on the same date as time-barred. The present petition to Government is in appeal against his order.

6. The statement of the petitioner that the channel in question was improved 5 years ago and that Mr King, the then Assistant Engineer, had also fixed sluices to it for distributing water is a fact, but that part of the petitioner's allegation in which he states that "nir-vardi" (or water rate) was imposed on his lands in Nandana (1892-93) is not borne out by the record in the case. The petitioner quotes as authority for his action, the Government order No. 2644/P.406 dated the 3rd September 1894 issued in the case of one Srikanta Shastri in respect of a dry land under the same Govindanahalli channel. That order only stated that if dry cultivation was impossible,

Sickinta Shastri's land might be turned into wet if water was available in, and could be supplied from, the channel, a temporary water rate being levied. On the strength of this order the petitioner appears to have taken water from the above channel without obtaining previous permission therefor.

7. The sale of the petitioner's land for the said fine has not been confirmed as directed in the memorandum under reply.

8. The petition and the circular correspondence connected therewith are herewith submitted.

I have the honor to be,

Sir,

Your most obedt. servant,

Venkatarao

Deputy Commissioner
of the Mysore District

6025
Pet. 5-20.

No. 956
En. two petitions together with 3 En. Finance papers.

(S.)

Deputy Commissioner's Office
Mysore District,
Dated Mysore 6th February 1896

To

The Revenue Secretary to the Government of Mysore.

L. R. 109—91—15

Sir,

With reference to your official memorandum No. Pet. 487 dated the 27th August 1895 forwarding for report the petition of Pattadar Shetty of Kunnur praying for the remission of the fine imposed upon him by the Jamabandi Officer in 1893-94 for taking water from the Gowindanahalli channel to irrigate his land, I have the honor to state as follows.

2. The petitioner is one of those fined by the Jamabandi Officer in 1893-94 with, at times the wet assessment of the lands newly brought by them under wet cultivation in the Chiga Kunnur village in the Kunnur taluk by taking water from the above channel without permission. His is one of the three cases in which appeals against the Jamabandi Officer's order of fine above referred to were rejected by the former Deputy Commissioner as being out of time.

The period of appeal in these cases as well as in those admitted was reckoned from the date of the last order of the Jamabandi Officer on the subject viz: the 27th February 1895. The petitioners appeal to the former Deputy Commissioner was presented on the 7th May 1895 which was clearly beyond the period of 30 days prescribed in section 24 of the Revenue Code.

2. The sale of the petitioner's land for the recovery of the fine has been held in abeyance as directed.

3. The two petitions received with the memorandum under reply together with their enclosures and the report of the Builder are herewith returned: :mitted. The remarks record connected with this case has been already submitted with this Office letter No. 9 dated the 3rd February 1896 reporting on a similar complaint from Hyder Khan of Hunzar.

I have the honor to be,
Sir,
Your most obed. servant,
[signature]
Deputy Commissioner
of the Peshawar District.

486

(General Serial No. 30.)

6022

1896. Ref 577

From

The Deputy Commr. of the Mysore Dist.

To

The ~~Chief~~ Rev. Secretary to the ~~Dewan~~ Govt. of Mysore.

L. R. 109-91-16

Dated 6th February 1896

Despatched

Received

Rep. for remarks 3/3/96

Enclosures No. Two petitions Nos. 913 & 936 together with Nos 5 & 6 & connected papers

General No.

No. 957

Report on petition of Yellappa & others of Kum

Petitions Branch.

10/2/96

Submitted with reference

12/2

Wch 14/2

Deputy Commissioner's Office

No. 95.

Mysore District

Dated Mysore 1st February 1896

Ins. Two petitions together with their Sn. & Kannada papers. do.

The Revenue Secretary to the Government of Mysore.

Sir,

With reference to your official memorandum No. 12 Ex/486 dated the 29th August 1895, forwarding for report the petition of Gellappa petitioner, Hunsur praying for remission of the fine imposed upon him by the former inamdar officer in 1893-94, for taking water from the Gundanahalli channel to irrigate his land, I have the honor to state as follows:—

2. The petitioner is one of those fined by the Jamabandy officer in 1893-94 with seven times the assessment of the land newly brought by them under wet cultivation in the Sire K. Hunsur Village in the Hunsur taluq, taking water from the above channel without permission. This is one of the three cases in which appeals against the Jamabandy officer's order of the fine above referred to were rejected by the former Deputy Commissioner.

do

as being out of time. The period of appeals in these cases as well as in others admitted, was reckoned from the date of the last order of the Jamabandy Officer on the subject viz. the 27th February 1895. The petitioner's appeal to the former Deputy Commissioner against the Jamabandy-Officer's order was presented on the 17th May 1895. This was clearly beyond the period of 30 days prescribed in section 211 of the Income Code.

3. The balance of the petitioner's land for the recovery of the above fine has been held in abeyance as directed.

4. The two petitions received with the memo under reply - together with their enclosures and the report of the Amildar are herewith retransmitted. The mamlatdar's record connected with this case has been already submitted with this office letter No. 754 dated the 3rd February 1896, reporting on a similar complaint from Hyder Khan of Sirsur.

I have the honor to be
Sir
Your most obedt. Servt.

Deputy Commissioner
of the Kanara District

Confd.
[illegible]

16.

From

The Secretary to the Government of Mysore

Revenue and General Department

L.R. 109-91-17

To

The Deputy Commissioner of Mysore

No. 7768 / R.559 dt. 27.2.96 in: 3 Ser: files & papers

With reference to his letters No: 934 dt. 3/2/96 and No. 956 and 957 dt. 6/2/96, has the honor to request that he will be good enough to report whether any appeal subsequent to 7/5/95, as alleged by petrs, has been admitted, and forward to this office ~~then he will send~~ the records in all the appeal cases admitted, in this connection, whether prior, or subsequent, to the 7th May 1895.

The records, received with his above letters are herewith returned for reference and re-submission.

By Order

Draft

HGh 27/2

Secretary to the Govt. of Mysore
Rev. and Genl. Depts.

A.S.
26/2/96.
RR.

Rec'd 2/3

(17)

1895-96

Rd. No. 914 EA

From

The Deputy Commissioner of the Mysore District.

To

The Secretary to the Government of Mysore, Revenue and General Departments.

L. R. 109-91-18

Dated 5th June 1896.

Despatched

Received

Enclosures No. Eight files -

No. 1446

Petitions this 8 appeals were admitted subsequent to 7 May 1896, regarding the fine imposed in 1893-94 for having taken water from the Gowrindanahalli Channel to irrigate dry lands.

Rev: Dept
8/6/96

Said with thanks.
9/6.

No. 1446
Enclosures No. Papers as per list

DEPUTY COMMISSIONER'S OFFICE,
MYSORE DISTRICT,
Dated Mysore 5th June 1896.

To

The Secretary to the Government of Mysore,
Revenue and General Departments.

SIR,

With reference to your docket No. 7768/P. 1559 dated the 27th February 1896 enquiring if any appeal regarding the fine imposed in 1893-94 for having taken water from the Govindanahalli Channel to irrigate dry lands was admitted consequent to the 7th May 1895, I beg to state that no appeals were admitted consequent to that date, and the fine ordered by the Jamabandy Officer, reduced to Rs. 2 in each of those cases. The records in all the cases of this

unauthorised

unauthorized use of water admitted both prior and subsequent to 4th May 1895, are herewith submitted as required. The records received with the Circular under reply are also herewith retransmitted.

I have the honor to be,
Sir,
Your Most Obedt. Servant,

[illegible]

Deputy Commissioner
of the Mysore District.

Compd:
[illegible]

Read:-

L.R. 109-91-19

Correspondence ending with letter No. 1416 dated 5th June 1896 from the Deputy Commr. Mysore Distt. relating to the petitions presented by Puttaiah, Yellappaiah, and Syed Khan Sahab of Hunsur, praying for the remission of the fines imposed on them by the Jamabandi Officer for unauthorized extension of wet cultivation under Gundlu halli Kala of the Hunsur Series of Channals in 1893-94.

Order No. 7050 X. 12-5-96

Seen: Ver. per persai per list attached

(1251)

X. Records not sent as they are all swinged of with our office labour requires spot. det. & checking before sending.

Records as per list attached weeded & sent on 13/2/97. by parcel.

On the application of petitioners Puttaiah & Yellappaiah and other holders of dry lands below the Gundlu halli Channal at Chik Hunsur, permission was granted for the supply of water to plots of land aggregating 22 acres in extent, subject to payment of water rates at Rs 3 & 2 and Rs 1 per acre; but the extent actually cultivated

with wet crops by Petitioner and others in 1892-93, exceeded the authorized extent by 34 ac. 22 gunthas. On the 12th May 1893, the Jamabandy Officer ordered the levy of the higher wet rate of Rs 5-2-0 per acre on the additional extent, and a fine of one rupee from each cultivator, and warned the cultivators against increasing the wet cultivation under the channel. The petitioner and others having disobeyed the order and extended wet cultivation to even a larger extent in the following year, the Assistant invited the Jamabandy Officer's attention to the order of Government.

No. $\frac{3906-7}{145}$ dated 4 July 1891

prohibiting the increase of wet cultivation ~~under~~ below the Hanagad series of channels until the improvement of the channels by Gullies & Pools and suggested that either the permission given for the irrigation of 22 acres should be withdrawn, or otherwise it was not possible to check the extension of wet area, or that the whole extent of the dry lands held by petitioners and others under the channel should be classed as wet, as water was available. The Commissioner, Officer considered that the withdrawal of the permission already granted was not called for, and directed that Petitioners and others

should pay fines equal to seven times the highest rate of water assessments that might be fixed for the lands so cultivated, the fine amounted to Rs 35-14-0 per acre and the sums payable by the petitioners were as noted in the margin.* The petitioners and others prayed for reconsideration of the order on the ground that owing to the improvement of the channel and the wet cultivation of the surrounding lands, it was not possible to grow dry crops on the lands in question, and that on their representation during Supervision, had inspected the lands and placed new sluices to facilitate irrigation. The Sub-Divn

	Extent cultivated	Fines
Pathiseetti	2-28	96-13-4
Eyeliappaseetti	2-24	93-5-0
Eyeliappan	3-8	114-15-8

reported that dry cultivation was impossible and the Sub-overseer ~~Div. Officer~~ who was consulted stated that wet assessment or water rate might be imposed, as the channel was being duly maintained and water was flowing freely. The Jamabandy Officer thereupon recorded permission ~~permission~~ to the cultivation of wet crops on the lands ~~on~~ payment of a water rate of 2 annas per garcha, but he declined to interfere with the fine imposed for the unauthorized cultivation in 1893 94. This order was communicated to the persons affected in October 1894, and 3 of them submitted their appeals to the Adjt. Commr. on 26th November and two others on 9th March 1895. In disposing of these appeals, the Adjt. Commr. (Mr. Rangaswamiengar) observed that the circumstances showed that the appellants were not

much to blame for having tried to grow wet crops on their lands and that the fines were unduly heavy, and directed that the said appellants do pay the dry assessment plus water rate at 4 Rs per acre with an additional water rate of Rs 2 per acre. Subsequent to this order, the present petitioners submitted their appeals to the Collector (Mr. A. Rangaswamaiyar) on the 7th May 1895, and they were rejected as being out of time. Others affected by the Jamabandy officers order, presented their appeals later viz one on the 5th and four on the 18th June 1895 and these were admitted by Mr B. K. Venkatarangaiyar. He observed in the case of these appellants that it was sufficient to levy water rate at 4 Rs and a fine of Rs 2 only and reduced the fines accordingly. The present petitioners urge that they are

are entitled to the same consideration.

2. The proceedings show that at the period of the unauthorized wet cultivation referred to, the channel had been duly repaired and was in full operation and that from the situation of the petitioner's lands, they were not able to grow dry crops on them. Further, upon a representation made by the Dy. Commissioner on 30th July 1911, on the application of one Sri Kantasachi for permission to grow wet crops on the dry land held by him under the same channel, the Govt. stated, upon a consideration of the opinion expressed by the Overseer in charge of the channel, that there was no objection to applicant Sri Kantasachi raising wet crops on his land where water was available and that water rate might be levied in the years in which wet crops ~~periods~~ were raised

In the case under consideration water rates should have been fixed with reference to para 2 of Rule XIX, and levied in addition to the ~~ass~~ rate of assessment, and steps should have been taken to authorize the act cultivation.

~~It is not clear under what authority fines were imposed. There was no experiment on new land and as the channels are made use of the channel water which after irrigating the authorized extent of land passes over the lands in question.~~

When water was flowing freely into their lands the ryots were cultivating under a great disadvantage from dry cultivation ~~which they were entitled to~~ and it was probably too much for them to resist their ~~temp~~ inclination to ~~illegally~~ irrigate them.

Dry assessment and water rate as above will be levied from the Petitioners and the fines remitted.

MMB
1/2/97

Secretary

Is the assessment figure the wet assessment?
Subject to C.P.

Dy Secy
2-2-97

RL 6 Sm
16/1

Send to Draftsman
15/2/97

(21)

1052

Mysore Gazette No. 1051 / No. 45-96 of 2.2.97

L.R. 109-91-20

The subjoined rule framed by Government under the power vested in them by clause (21) Section 233 of the Mysore Land Revenue Code is published for general information.

It will be read as forming 4 of Section XIX of the Mysore Land Revenue Code, relating to water for the use of water-lands.

"Any person desiring to use water for irrigating land not assessed as such land shall make an application in writing to the Amildar or other officer duly authorized to receive such application, for permission to make use of the supply of water ~~needful for irrigating such~~ water if he requires it for one year only or permanently, and if any person uses such water without such permission he shall be charged with double the rate he would otherwise have been required to pay had he applied for and obtained ~~such~~ permission", and ~~[illegible]~~ shall also be liable to pay as fine fourteen times the rate of assessment of the whole survey number ~~[illegible]~~ which he shall be charged irrigated.

Sd/- [illegible]
1/2/97

To
The Compiler
Mysore Gazette.

[illegible]
4-2-97

REVENUE.

No. 7051—*P. F.* 45-96, *dated 2nd February* 1897.

The subjoined rule, framed by Government under the power vested in them by clause (*n*), Section 25[illegible] of the Mysore Land Revenue Code, is published for general information. It will be read as para 4 of Section XIX of the Mysore Land Revenue Rules, relating to rates for the use of water :—

"Any person desiring to use Government water for irrigating a land not assessed as wet land shall make an application in writing to the Amildar or other Officer duly authorized to receive such application for permission to make use of the supply of water, stating if he requires it for one year only or permanently ; and if any person uses such water without such permission, he shall be charged with double the rate he would otherwise have been required to pay had he applied for and obtained permission, and shall also be liable to pay as fine five times the wet assessment of the whole survey number thus wholly or partly irrigated."

By Order,

C. SREENIVASIENGAR,

Secy. to Govt., Gen. & Rev. Departments.

L.R. 109-91-21

[illegible]

[illegible]

[illegible]

By order

[illegible]

Draft
[illegible]

L.R. 109-91-22

[illegible]

[illegible]

[illegible] (84)

By Order

For Secretary

Draft

[illegible]

L.R. 109-91-23

[illegible]

[illegible]

[illegible]

[illegible]

By order

For Secretary

Draft
[illegible]

07 45-96 is put up

8/4

Submd

9/4/97

The rule in question was passed on the assistant Secretary's (Mr B Ramanamaiyar) point upon that the power to grant authorised use of Govt water was not expressly provided for by law.

The Survey Supt's conjecture that the rule was passed owing to the exceptional state of the season is therefore not correct.

The ground on which the Survey Supt objects to the rule allowing a land to be temporarily assigned (wet) are strong and as the origin of the rule has been given above, Govt have an open mind on the question. ~~A proposal must~~ The rule does not bring into where an appln for use of water is made it can only will be granted

Sub to 2nd Councillor

M 15/4/97

Gov. Serial No. 30.]

(25) 1897

6547

Pet 600

From

The Supt Mysore Red Survey

To

The ~~Chief~~ Secretary to the Govt ~~Dewan~~ of Mysore.

L. R. 109-91-24

Dated Bangalore 6th April 1897

Despatched

Received

Enclosures No. & 2

General No. 690
No.

In reply to

SUBJECT.

Submitting opinion upon the new Rule to be read as Para 4 of Sec XIV of the Mysore Land Red Rules as laid down in Govt Proc Order No 7057 of 2nd Feb 1897.

R 7 45-96
P.

References (to be entered only in the Dewan's Office.)

(270) Rete 8-4-97

No 690

Survey Superintendent's Office
Bangalore 6th April 1899

To
The Secretary to the
Government of Mysore
Lyt and Revenue
Departts

Sir,

I have the honour to submit a few remarks upon the new Rule, to be read as Part 4 of Section XIX of the Mysore Land Revenue Rules as directed in Government Order No. 9061-R.F. 45-96 dated 2nd February 1899.

2. In the new Rule in question it is laid down that "any person desiring to use "Government water for irrigat-"ing a land not assessed as

wet

" water board shall make an
" application in writing to the
" Auditor, or other officer duly
" authorized to receive such
" applications, for permission
" to make use of the supply
" of water stating if he re-
" quires it for one year only
" or permanently."

The underlined words, above, represent my doubts as they imply that the use of water for one year only; or otherwise than permanently, will be sanctioned

3 Hitherto, in the case of every application for the use of Government water, I have directed

directed a "Muchalka" to be taken from the applicant to the effect that he agreed to take the water permanently. If he declined so to agree his application was refused. It will of course be apparent that if applications for the use of water for one year only, or otherwise than permanently, be accepted it will be needless to correct the shortcoming, as is now specifically done. Moreover it appears to me that if the use of water at pleasure by the holders of dry

dry land, capable of irrigation, be permitted, the holders of lands already assessed at wet rates might reasonably ask for a similar privilege. It has been a recognized feature of the Bombay system of assessment that land once assessed as wet should always be so assessed, so long as the water supply continues. The survey assessment is based upon the capability of the land, as of the land and water combined, and above all things, a permanency of assessment is aimed at.

4. I had no opportunity given

given me of expressing my opinion upon the extremely vital question involved in the new Rule under reference. In Ellyar the extent of wet lands is very great and I cannot but think that the operation of this new Rule will be to add greatly to the labour and, I fear, in efficiency of the annual Inspection. But at present the unauthorised use of foul water is for the common and the annual Pahani inefficient, I have proof of in the water classification now in progress

up

in the Tahsil of the Chilchdrang District during which many such instances are coming to light. If the necessary check by the Revenue officers is inefficient in a District like Chilchdrang where the proportion of wet lands is but small, how much greater is it likely to be in Tahsils where wet lands are common and how much greater will be the inducement to surreptitious use of Government water when, as under the new Rule, the use of water is granted from year to year?

5 — I am not in possession of

of the reasons which led up to the passing of the new Rule under discussion and one of those reasons may be connected with the peculiarities of the present season. If so the Rule should be only tentative and should, in my opinion, be cancelled directly the seasons become normal. Our experience under this new Rule will in ~~[illegible]~~ cases tally with the existing assessment in the village accounts and had I had the opportunity afforded me I should have pointed out to

No. 3.

Survey Dy. Light. Office
Bangalore 31st March 19.

To

The Superintendent
Mysore Rev. Survey

Sir,

In returning the proposed draft letter, forwarded for my opinion with your Memo. No. 6 dated 1st the instant, I have the honor to submit that the grant of permission for the temporary use of Government water from year to year as sanctioned in the Circ. referred to therein, not only affects the interests of Government but also those of holders of land already assessed at wet rates.

2. It will be seen from Mr. Shane's Rev letter No. 4 herewith forwarded, that several instances

of

of surreptitious use of government water, came to light, during the revision of water classification in the Sawangere Tank. There is no doubt that this state of things has been going on for years without detection. Similar cases may be found in other tanks also with the tendency of the Govt to surreptitiously use as much government water as possible. It is very difficult to check this tendency without close inspection, which is apparently not done properly.

3. Mr. Chandras also brings to notice the general deficiency of water supply in a large number of tanks, owing to uncertain rain fall, to silting up of beds

and

to the enormous increase of dry-cultivation in the catchment area of tanks. The consequence of this is ~~being~~ that in several cases dry-crop is often taken for want of water on lands assessed at wet rates. If further use of water from such tanks for dry lands is permitted, the interests of holders of lands already assessed at wet rates will be greatly affected.

4. Lastly the Revenue accounts will not tally with the Survey-Skeleton and this will give room for fraud.

I have the honor to be
Sir,
Your Most Obdt Servant
[illegible]
Dy: Superintendent
Mysore Ren: Survey.

Irrigated being the condition of the wet lands under tanks, if further use of water, at present by the holders of any land capable of irrigation be permitted, it will be to the prejudice of the holders of lands already assessed with wet rates. —

4. In conclusion, I beg to state that, in my humble opinion, it will be almost impossible to efficiently direct the use of water if it is granted temporarily from year to year and especially so, when water is made use of fraudulently by a survey number.

5. The enclosures are herewith returned.

I have the honour to be
Your most obedient servant
V. Sriniwas Rao
Spl. Assistant

(27)

Proceedings of the Govt of Bombay

L. R. 109-91-26 Read ~~[illegible]~~.

(1) Govt Notification No 7051/P.J. 45-97 directing the addition of a Rule regarding the use of Govt water for irrigating lands not assessed at wet rates, as para 4, to Section XIX of the Land Revenue Rules.

(2) Letter No 691 dated 6th April 1897 from the Supdt. Revenue Survey, submitting certain remarks regarding the rule referred to above.

— n —

(1623)

No 9646/P.J. 45-96 1/5/97 Order thereon.

Govt agree with the Survey Supdt that the insertion of the words "stating if he requires it for one year

only
"or permanently" in the
~~[illegible]~~ rule is apt to lead
to uncertainty and confusion
The words will be ~~[illegible]~~ omitted
and an amended rule
published.

2. In future all
draft revenue rules ~~will~~
~~shall~~ shall be forwarded to the
Survey Superintendent for
his opinion, before they are
finally sanctioned and
passed.

Draft-
Cr

For Secretary.
1/5/97

To The Superintendent-
Imperial Revenue Survey.

S.V.
1/5/97

A copy sent to Rev. Ex. as directed [illegible]

(vide within)

the petr admitted the unauthorised use of Govt water but wanted that water may be permanently given to the land

L.R. 109-91-27

(20) vol

27.11.97

Refer 1-12-97

The Dy Commr in his last rejects a certain order of fine, because he is from entering into a certain [illegible] [illegible] [illegible]

vide 45-296 upto end.

2/12/97.

Submitted

(1) Two Rs. stamp affixed

(2) Dy. Commr's order of 20-9-97.

(3) Petition, praying for stay of fine, this land in satisfaction of the fine imposed on him. hearing disposal of this appeal - RK 2/12/97

Petr told me in answer to my query that he would pay up the fine & stay the sale all that he wanted being a permanent supply of water

1) In time

2) Stamp suff

3) appeal against Dy Comr's decision ~~by water rate on petr's~~ not by water rate on petr's dry land on the strength of the Govt order of 1891 deprecating extension of wet cultivation into Hagod sets of channels.

4) N.A. on a local case

= After the provisions of the Govt order ref. to by Dy Comr, the [illegible] orders (Revenue No. [illegible] 1897)

25

1897

No. 1364

Name of Petitioner Dodda male gowda

Village Uddur Bile Kere hobli

Taluk Hunsur

District Mysore

Date of Arzi 25-11-97

Date of Receipt 27-11-97

Date of Disposal

No. of Enclosure one

AESTRACT

Appeal against the order of the Dy Comr No. 71 dated 20-9-97 declining to remit the fine levied on the petr for unauthorised use of Govt water and declining to deny water rate on the petr's dry land No. 64 -

order

Read your petition dated 7.7.97 and the records and the report thereon in the matter praying for cancellation of the fine imposed on you for unauthorised

ee of Government water to culti-
vate dryland No. 64 with
et crops and praying
r leave of Mirsandi.

The land referred to is
under the Kanikal nala
in the Bidekere hobli Shimoga
taluk and the Government have
ordered that the wet cate
cultivation under the nala
should not be increased,
hence your prayer to
leave Mirsandi and Wallom
wet cultivation could not
be granted.

You were fined ~~for~~
~~before last~~ previously for cultivating
dryland with wet crops by
the use of ~~waste~~ Lakaya damaya water, but
you have cultivated last
year also and the fine
imposed cannot therefore
be remitted and ~~the~~ sale
~~as you~~ failed to pay the
fine in proper time you
request to stay the sale
of the lands for its recovery
cannot be granted."

(1) Petr. submits that
dry
dryland S. No. 64 ~~could not~~ was
not fit for dry cultivation
presented a petition to
the Petr. to cultivate
it with wet crops, ~~by the~~ and for
~~use of waste~~ leakage water; after
of wet assessment
presenting

presenting the petn. he cultivated the land two years with wet crops for which he was opposed to 90 for the second year in which his land has been notified for sale on the 6th December 97.

(2) That the petn. cultivated the land with wet crops for the first two years and the price he was paid by him. In the third year (that is 1894-95) the Commissioner of Pleadings remarked ~~in the~~ on the talcarkeh that the land may be assessed with wet assessment and hence no price was demanded that year (page) that the petn. on the strength of the recommendation cultivated the land last year also with wet crops; that the ~~present~~ last order fixing the petn. rent was passed without going over these records.

3) That the petn. though not entitled to take the water from the

~~any~~ is not prohibited from using ~~water~~ leakage water;

4) that the decision of the Wy Court that the Govt order prohibiting extra pet cultivation applies to the petr's land is not correct.

5) that, while a recommendation was made to assess the land with met assessments and while the petr was not fined in the year 29, the order fining him for the last year's cultivation without examining the previous records is unjust as on the strength of the above recommendation and immediately fining the petr cultivated the land with met crops anticipating the levy of assessment

Prays for perusal of the records and passing equitable orders after hearing petr in person.

Further prays for stay of sale proceedings for the 6th December 97

30/11/97

1.1
/45-96

P2 27 22-12-97

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

L.R. 109-91-28

OFFICIAL MEMORANDUM.

The accompanying Appeal Petition

No. 1364 dated 25-11-97

received at the Dewan's Office from Dodda Gowda of Kodi village, Bilikere hobli in the Hunsur Taluk, appealing against the order of the Dy. Commissioner of Mysore Dt., declining to bring water rate on petitioner's dry land No. 66 on the strength of the Govt. order of 1891 deprecating extension of wet cultivation under Hanagodu

is forwarded, together with its enclosures, to the Deputy Commissioner of the Mysore District for submission of the entire proceedings connected with the case, together with full report of the facts of the case, and on the points urged in the petition.

3. The petition with its enclosure should be returned.

2 The attention of the Dy Commr is invited to the statement by the petitioner that his land is not fit for dry cultivation. By order, he is requested to report whether there is any real difficulty to give water to the petitioner's land apart from the Govt order referred to

BANGALORE,
21/12/97.

Chief Secretary.

By order

for Secretary

Series of channels

M.G.C.P.B.—25-1-95—1,000

1898 — 97

REVENUE DEPARTMENT
AUG 22 1898
COMMISSIONER'S OFFICE

From

The Deputy Commissioner

Mysore District.

To L. R. 109-91-29

The Secretary to the Government of Mysore,
General and Revenue Departments.

Dated 18th
Despatched } August 1898.
Received

Enclosures No. Memo. letter with enclosures & general papers

General No. 209

Petition of [illegible] village [illegible] Taluq

Petition R
22/8/98

Rd on 25/8/98
OM 45-97/96 relating to the
Salgeet is put up

Ah
26/8/98

Put up
27.8.98

Though the Government think that in this case the petitioners land No. 64 (dry) may be supplied with salt water on payment of water-rate, an arrangement of water-rate is an arrangement precedent will be established. If water is available there is no reason why it should not be given. Let the Commissioner be informed that the water rate fixed in Notification No. 1364 (Revenue 29) dated 5/8/95 will be the rate on page 3 of 1/8/95

R. 75 M.
31.8.98

Get a statement showing the lands similarly situated which may claim the concession of irrigation if allowed to this land

Urs
7.9.98

Noted
11.8/9/98

Rd on 22/9/98

No. 209

Enclosures No. memo, petn. with M.S. & record.

OFFICE OF THE Deputy Commr.
MYSORE DISTRICT,

Dated Mysore August 15 1898

To

The Secretary to the Government of Mysore,
General and Revenue Departments.

SIR,

Adverting to your official memorandum No. Petn. 4596 dated 21st December 1897, forwarding for report a petition from Bodamadia Gowda of Doddur village, Periyapatna hobli, Arsikere taluk, appealing against this office order declining to levy water rate on petitioner's dry land No. 64 on the strength of the Government order of 1891, deprecating extension of wet cultivation under the Hangarle series of channels, I have the honor to submit herewith the 1st Assistant Commissioner's memo (in English) received with his docket No. 30, dated 8th instant, explaining the circumstances of the case together with the accompanying file of records bearing on the subject as per index attached thereto.

It will be observed from the memo, that but for the Government order referred to, there would be no real difficulty to give water to the petitioner's land in the

the manner indicated by the Assistant Commissioner and that the law is not made suited for dry cultivation as it requires more moisture than is required for the purpose.

In conclusion, I beg to be permitted to add that if the petitioners request be granted several cases may spring up in which complaints of a similar nature will be urged on account of the difficulty experienced by the land-holders in raising dry crops owing to excessive moisture in their lands or raising water-for want of good supply of water on account of the prohibition contained in the Government order under reference.

(The enclosures of your Memorandum under reply are herewith returned.

I have the honor to be
Sir
Your most obedt Servt

[illegible]
Deputy Commissioner
Mysore District

Concd:
[illegible]

Gen. 31

3989

1898 Pet 240

JAN 4 1900 REVENUE OFFICE

From

The Deputy Commissioner
Mysore District.

To

The Secretary to the Government
of Mysore,
Revenue and General Depts.

Dated 23rd

Despatched 24. December 1898.

Received L. R. 104-91-3.

General No. 566
No.

Enclosure No. 1 file of 6 papers.

His docket No 2196 dated 13th September 1898, calling for further information in regard to the petition of Boddamalli Gowda of Boddur village, Hunsur Taluk, praying for the levy of water rate on his land survey No. 64 of the said village.

Adverting to the above, have the honor to state that the lands noted in the margin are similarly situated and may claim the concession of irrigation if the same be allowed to the petitioner's land in ques-

Received 4/1/99

General Records.

Please put up P. 45-96.

5/1/99

Pet: Br:- Please refer to Pet 209 from Dy Commr Mysore Genl No 422/82 & 8/8/98 for the file regd.

Rd 6/1. 5-1-99. JH 5/1/99

Rev Branch.

Please put up the file sent to you on 6.12.98 for Genl No 3532/R-1994 & 29.11.98 from Dy. Mysore.

6/1/98

File put up.

6/1 Received & examined.

Submitted to the Commr

The No. of cases under 5 in pet's 23 only 2

7/1/99

Rd 8th 12.1.99

Withdraw the reference all these three cases & that if they apply let the verification be formally sanctioned in the usual course in the usual manner. Maps in has already applied. May be so dealt with

13.1.99

Survey No.	A. G.	to. A.
63	5 - 35	2 . 9
65	3 - 15	3 . 8
Total	9 - 10	8 - 0

situated in Boddur village, Hunsur Taluk

Produced 7/1/99

2. The original records pertaining with the Builder's report No. 252 dated 4th instant on the subject are herewith submitted for reference and obliging return.

Deputy Commissioner
Mysore District.

No draft

Proceedings of the Court of Mysore.

Read:-

L.R. 109-91-32

Petition No 1364 dated 25-11-97, presented by Dodda Mallegowda of Kolalur village in the Hunsur Taluk, appealing against the order of the Dy Commr, Mysore Dt. declining to allow the petr. to water his dry land S. No 64 from the Hanagod Series of channels ~~and to permit him to raise wet crops thereon~~.

Read again

(2) Court Pro: No 3906-7/145 dated 4th July 1891, prohibiting the extension of wet cultivation under the Hanagod Series of channels and illegal wet until the channels are improved.

(3) ~~Read~~ Petn correspondence ending with ~~letter dated~~ No 566 dated 23-12-98 from the Dy Commr Mysore Dt reporting

reporting that the petr was not allowed to convert his dry land into such ~~on the ground of~~ ~~in accordance with~~ on account of the Govt order above referred to and that the holders of dry lands S. nos 63 and 65 of the village, may claim a similar concession if the petr is permitted to convert his dry land into such by lifting water by ~~the~~ ~~prayed for~~ order therein

4960
24

~~Good as pleased, under~~ the circumstances explained, Govt are pleased to withdraw the objection to such cultivation in the three cases under reference and to direct that if the holders of lands S. nos 63 and 65 apply, the irrigation may be formally sanctioned in the usual course ~~and that~~ ~~for~~ the case of S. no 64, ~~as~~ the petr has already applied, ~~and~~ may be permitted to irrigate his land by lifting the water by the lessee with the consent of the lessee.

Rule that the land is not well suited for dry cultivation

water rate being fixed under Rule ~~X~~ IX of the LR Rules as recently amended

Secy
to Govt

19.1.99.

To the Dy Commr Hyderabad with reference.

L. R. 107-91-33

"By order"

5a

1902

R 297

FROM A Ramanujacharyulu Esq
Offg Deputy Commissioner
Mysore District

To A. C. Narayindaswamy Esq M.A.L.
Secretary to the Govt of Mysore
Gl & Rev Departments

L. R. 109-91-84

Dated 30 August 1902
Despatched

Received

General No. 1897
No.

Enclosure No. One file

Submitting for sanction a refund bill for Rs 31-10-0 in favor of one Nanjamma residing in Kikkeri Kaba of Nanjangud taluk Dated

R
2.9.02

Submit with draft
N.
1/9/02

Deputy Commissioner's office
Mysore District

No. 180

Circular - Dated Mysore 30 August 1902.

To,

Mr. Ananda Rao M.A. M.L.
Secretary to the Govt. of Mysore
General & Rev. Departts.

Sir,

In submitting herewith, for sanction, a refund bill for Rs 31-10-0 in favor of one Ranjamma residing in Kikkeri Kasba of Krishnarajapete Taluk, I have the honor to report that on the application of her deceased husband Varnappa, lands no. 4 and 13 below the Tankal Valla, Bilikere Hobli of Hunsur Taluk were put up to auction on 16th August 1897 when the deceased Varnappa purchased the lands for Rs 21. This amount was credited in the Hunsur Taluk Treasury Accounts on the 2nd September 1897. A years kandayam and local cess aggregating Rs 10-10-0

were also recovered and credited on 31st March 1898. Subsequently on an application of one Kaganahalli Narasimiah, the 2nd Assistant Commissioner ordered a resale of the lands, but the Amildar having reported that the lands lay under the Hemagode Vala Series - the extension of wet cultivation under which was prohibited in Government order No 3906-7/145 dated 7th July 1891, the application was rejected. The original darkhastdar having died, his wife claims the refund of the sale proceeds, a years revenue plus local cess.

The Vernacular Correspondence bearing on the subject is herewith submitted for reference -

I have the honor to be,
Sir,
Your most obedient Servant

K. Churchill Murphy
offg Deputy Commissioner
Mysore District

Read

Letter No. 182 of 30.8.02 from the Dy Comr, Mysore District, submitting for sanction, a refund bill for Rs 0/-10-0 in favour of one Nanjamma wife of Chennappa, Sanbhogar of Bichanahalli, Hunsur Taluk.

L.R. 109-91-35

---x---

Order thereon.

1078 551 28/26/9/02
In 1 & V.P. 26

~~The facts of the case are briefly as follow:—~~

On June 1901 Nanjamma Sanbhogar of Bichanahalli, Hunsur Taluk, applied for Survey Nos. 4 and 12 below the Yazidal Kula, one of the series of Hanapod channels, for cultivation. The lands were put up to sale in August 1901 and purchased by the applicant

for Rs 21 which amount was
duly paid by him and
credited to Govt in Sept 97.
A year's Kandayam and
local cess amounting to
Rs 10-10-0 was also received
and credited in March 98.
Subsequently, on the applica-
tion of Gajanahalli Nara-
simhappa, the lands were
ordered to be resold. The
Amildar of Hunsur having
reported, that the lands lay
under the Hanagod Nala Series,
the extension of wet cultivation
under which was prohibited
in Govt order no: 3056-7/145 3775
the darkhast was rejected.
The original darkhastdar
having died, his widow
Nanjamma claims the
refund of the sale proceeds,

and a year's revenue,
amounting to ~~Rs~~ 31-10-0
paid by the deceased and
credited to Govt.

The refund bill
is sanctioned and for-
warded to the Comptroller
for audit.

24/9

23/9/02

Secretary
11/9/02

To the Dy Comr, Mysore
with V.P.

To the Comptroller, Mysore
Govt, with bill

(A) No. 10/82

of water. The Amildar on 26/11/ reported that he had written ~~to the~~ for the information required; that n reply had been received; that the wa rate could be fixed after receipt of the reply; that in the meantime a Kandayam of 2 annas per funta might be recovered from the Chick Hunsur ryots as ordered in another similar case. The Janabandi officer in his order No. 92 of 27.2.95 approved of the assessment.

The Sale of Putta Shetty's and Yallappa shetty's lands has been, as directed by this office, held in abeyance.

Hyder Khan's land was sold on 28/8/95 and was purchased by one Peer Khan Sab for Rs 166. The deposit amount has been paid but the sale has not been confirmed.

Amildar's Report No. 210 of 8/9/95

Putta Shetty, Yallappa Shetty and Hyder Khan have appealed to Govt. against the Ass. Com's order rejecting their appeal.

The grounds of appeal are that after the improvement of the Kala the petrs obtained permission to raise wet crops on some parts of their land and paid Kiravari; that on account of the moisture the rest of their land became unfit for dry cultivation; that they

lacre in the case of Putta Shetty Yallappa Shetty and 3 acres in der Khan's case. ~~Kiravari taken~~ ~~as that Kiravari~~ been at the ments of Putta Shetty & Yallappa ty; but there is no entry of Kiravari in Hyder Khan's name.

represented this to the Sarkar authorities in Nandana and raised wet crops on the whole of the land and paid Nirvaari charges on the year Nandana; that the Jamabandi officer in Vijaya fined them; that on their complaint to him he inspected the lands personally and promised to remit the fines imposed; that ~~[illegible]~~ some concession has been shown to ryots who presented appeals to the Dt. Cont. on 18/6/95 i.e. subsequent to the date of their appeals.

The Dt. Cont. has also submitted a report of No. 1446 of 5/6/96.

File received 9/6/96

Precis submitted 13/6/96

Sub. pendes

15/6

writing to the Amildar or other officer duly authorized to receive such application for permission to make use of the supply of water; and if any person uses such water without such permission, he shall be charged with double the rate he would otherwise have been required to pay had he applied for and obtained permission, and shall also be liable to pay as fine five times the wet assessment of the whole survey number thus wholly or partly irrigated."

By Order

Secretary.

Draft-

C2

To. The compiler Mysore Gazette for publication in the Gazette.

2 Drafts submd for

Approved

MM 1/5/97

Also send a copy of this rule to the Res Branch Board

MM 1/5/97

(27)

Proceedings of the Govt of Mysore

L. R. 109-91-26 Read ~~again~~.

(1) Govt Notification No. 7051/P.J. 45-91 directing the addition of a rule regarding the use of Govt water for irrigating lands not assessed at wet rates, as para 4, to Section ~~XIX~~ of the Land Revenue Rules.

(2) Letter No 690 dated 6th April 1897 from the Supdt, Revenue Survey, submitting certain remarks regarding the rule referred to above.

—x—

(1623) R. 9646/P.745-96 & 1/5/97 Order thereon.

Govt agree with the Sup[illegible] Supdt that the insertio[illegible] of the words "stating if [illegible] requires it for one ye[illegible]

(27)

Proceedings of the Govt of Mysore

L. R. 109-91-26 Read ~~again~~.

(1) Govt Notification No. 7051/P.J. 45-97 directing the addition of a rule regarding the use of Govt water for irrigating lands not assessed at wet rates, as para 4, to Section XIX of the Land Revenue Rules.

(2) Letter No 690 dated 6th April 1897 from the Supdt, Revenue Survey, submitting certain remarks regarding the rule referred to above.

— n —

(1623)

N. 9646/P745-96 & 1/5/97 Order thereon.

Govt agree with the Survey Supdt that the insertion of the words "stating if he requires it" for one year